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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**William X Nietzsche (solely as trustee for  
KRME International Trust),**

Et al.,

**3:18-CV-01930-SI**

**Plaintiff/Petitioner,**

**Case No.**

**AFFIDAVIT IN SUPPORT OF PLAINTIFF'S  
MOTION TO RECUSE JUDGE MICHAEL  
SIMON**

v.

**FREEDOM MORTGAGE CORPORATION (FMC),**

Et al.,

**Defendant(s)/Respondent(s)**

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**AFFIDAVIT IN SUPPORT OF PLAINTIFF'S MOTION TO RECUSE JUDGE  
MICHAEL SIMON**

1. I am Plaintiff/Third Party Intervenor William X Nietzsche.
2. I have first-hand knowledge of the facts attested herein.
3. On all information and belief, Plaintiffs cannot have a fair and impartial trial or hearing before purported judge Michael Simon.
4. Michael Simon has scienter of Defendant Mortgage electronic Registration Systems' involvement in rampant Residential Mortgage Backed Securities (RMBS) Fraud.

5. In December 2010, MERS executive R.K. Arnold came before the Oregon Senate Interim Committee on Consumer Protection and Public Affairs (link is external).
6. The company was involved in the buying and selling of about 50 percent of all mortgages in the country, he explained, facilitating buying and selling through million of “electronic handshakes.”
7. The next year MERS tried, unsuccessfully, to insert language into a state affordable housing bill that would have changed recording requirements and created a new definition of beneficiary. The language would have retroactively protected MERS and saved the MERS business model in Oregon.
8. In the fall of 2012 Multnomah County filed a lawsuit against MERS and 16 member banks alleging fraudulent misrepresentation, tampering with public records, making false written statements and “undermining the accuracy and integrity of Multnomah County's document recording system.” It sought damages, a correction of historic filings and accurate and transparency filings in the future.
9. In 2013, as the case worked its way to federal court, the Oregon Supreme Court took up the question in a separate case, affirming a lower court ruling that MERS cannot be a beneficiary on a deed of trust in Oregon.
10. In 2015, the county agreed to settle the case.
11. “We have set a national precedent,” said Portland attorney Tom D’Amore. “We changed the business practice of these banks in Multnomah County. Recording will be corrected so we have a clear picture of who owns what.”
12. The agreement stipulates that county employees cannot discuss the terms. But moving forward, MERS will no longer be listed as a beneficiary in county filings.
13. For said reasons, Michael Simon cannot be fair and/or impartial because Simon has actual scienter Defendant MERS’ involvement in rampant RMBS fraud.
14. This presents a substantial conflict of interest before the court.

MICHAEL SIMON AND/OR HIS SPOUSE SUZANNE BONAMICI HAS RECEIVED CAMPAIGN CONTRIBUTIONS FROM ONE OR MORE DEFENDANTS

15. On information and belief, Michael Simon, and/or his spouse Suzanne Bonamici, has received campaign contributions from one or more Defendants named in this matter.
16. Therefore, Plaintiffs cannot receive a fair or impartial hearing in this matter before Michael Simon.

17. This presents a substantial conflict of interest before the court.

MICHAEL SIMON AND/OR HIS SPOUSE SUZANNE BONAMICI HAS RECEIVED GIFTS IN AN AMOUNT GREATER THAN \$50 FROM ONE OR MORE DEFENDANTS NAMED IN THIS MATTER

18. On information and belief, Michael Simon, and/or his spouse Suzanne Bonamici, has received gifts in an amount greater than \$50 from one or more Defendants named in this matter.

19. Therefore, Plaintiffs cannot receive a fair or impartial hearing in this matter before Michael Simon.

20. This presents a substantial conflict of interest before the court.

MICHAEL SIMON IS A NAMED A DEFENDANT IN THIS MATTER

21. On October 8, 2019, Plaintiffs placed a lis pendens on purported judge Michael Simon.

22. On October 14, 2019, Plaintiffs filed its supplemental action against purported judge Michael Simon.

23. Therefore, Plaintiffs cannot receive a fair or impartial hearing in this matter before Michael Simon.

24. This presents a substantial conflict of interest before the court.

WHEREFORE, Plaintiffs move this court of record to enter an order recusing purported judge Michael Simon.

I affirm the abovesaid to be true and correct under penalties of perjury.

RESPECTFULLY DATED this 2 day of January, 2020.

By Julie Ann Metcalf Kinney  
Julie Ann Metcalf Kinney  
In Solo Proprio, In Proper Persona,  
Sui Heredes, Sui Juris [Pro se].

By William X Nietzeche  
William X Nietzeche, as trustee for KRME International Trust  
In Solo Proprio, In Proper Persona,  
Sui Heredes, Sui Juris [Pro se]